No. 0449/07

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Kazakhstan and has the honor to refer to earlier discussions between representatives of the two governments regarding grants under the Foreign Assistance Act of 1961, as amended, or successor legislation, and the furnishing of defense articles, related training, and other defense services, including pursuant to the United States International Military Education and Training program, from the United States of America to the Government of the Republic of Kazakhstan. In this regard, the Embassy refers to the Agreement regarding grants under the Foreign Assistance Act of 1961, as amended, or successor legislation, and the furnishing of defense articles, related training, and other defense services from the United States of America to the Government of Kazakhstan, effected by exchange of notes at Almaty April 15, 1999 and April 4, 2000.

In accordance with these discussions, it is proposed that the Government of the Republic of Kazakhstan agree:

A. That unless the consent of the Government of the United States of America has been first obtained, the Government of the Republic of Kazakhstan shall not:

(1) Permit any use of such defense articles, related training, including training materials, or other defense services by anyone not an officer, employee or agent of the Government of the Republic of Kazakhstan;

(II) Transfer, or permit any officer, employee or agent of the Government of the Republic of Kazakhstan to transfer, such defense articles, related training, including training materials, or other defense services by gift, sale, or otherwise; or

(III) Use, or permit the use of, such defense articles, related training, including training materials, or other defense services for purposes other than those for which provided;

B. That such defense articles, related training, including training materials, or other defense services shall be returned to the Government of the United States of America when they are no longer needed for the purposes for which they were furnished, unless the Government of the United States of America consents to another disposition;

C. That the net proceeds of sale received by the Government of the Republic of Kazakhstan in disposing of, with prior written consent of the Government of the United States of America, any defense article furnished by the United States of America on a grant basis, including scrap from any such defense article, shall be paid to the Government of the United States of America;

D. That the Government of the Republic of Kazakhstan shall maintain the security of such defense articles, related training, including training materials, and other defense services; that it shall provide substantially the same degree of security protection afforded to such defense articles, related training, including training materials, or other defense services by the Government of the United States of America; that it shall, as the Government of the United Stats of America may require, permit continuous observation and review by, and furnish necessary information to representatives of the Government of the United

States of America with regard to the use thereof by the Government of the Republic of Kazakhstan; and

E. That the Government of the United States of America may also, from time to time, make the provision of articles and services furnished under other authority (except the United States Arms Export Control Act) subject to the terms and conditions of the agreement proposed herein. (Transfers under the United States Arms Export Control Act shall continue to be governed by the requirements of that Act and United States regulations applicable to such transfers.)

Further, the Embassy proposes that the Agreement herein proposed shall supersede the above-referenced 2000 Agreement in its entirety.

The Ministry's reply stating that the foregoing is acceptable to the Government of the Republic of Kazakhstan shall, together with this note, constitute an agreement between the two Governments, which shall enter into force on the date of the Ministry's note.

The Embassy of the United States of America avails itself of this occasion to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

Enclosure: Draft Response

Embassy of the United States of America

Astana, July 5, 2007.

КАЗАКСТАН РЕСПУБЛИКАСЫ
СЫРТҚЫ ІСТЕР
МИНИСТРЛІГІ

09-2-1/2606

The Ministry of Foreign Affairs of the Republic of Kazakhstan presents its compliments to the Embassy of the United States of America in the Republic of Kazakhstan and has the honor to confirm that the proposals set forth in the Embassy's note № 0449/07 of 5 July, 2007 are acceptable for the Government of Kazakhstan and that the Embassy's note and this note shall in reply constitute an agreement between the two governments which shall enter into force on this date.

The Ministry avails itself of this opportunity to renew to the Embassy the assurances of its highest consideration.

August 6, 2007, Astana

EMBASSY OF
THE UNITED STATES OF
AMERICA

ASTANA

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